

MINUTES

November 18, 2003

The State Board of Registration for Professional Engineers and Land Surveyors met on November 18, 2003 in Conference Room 104 at the office of the Professional Licensing Boards, 237 Coliseum Drive, Macon, Georgia 31217.

BOARD MEMBERS PRESENT:

John H. Sweitzer, PE - Chairman
Robert T. Armstrong, LS
William W. Dean, PE
Gloria B. Ransom, Public Member
Richard K. Little, PE
E. Charles Vickery, PE
Guy F. Ritter, PE

BOARD MEMBERS ABSENT:

Torben S. Madson, LS

STAFF PRESENT:

J. Darren Mickler – Board Executive Director
Julie Busbee – Board Secretary
Vivian Stephens – Board Application Specialist
Ajay Gohil – Attorney General Representative

OTHERS PRESENT:

Al Lagerstrom, Surveyors & Engineers Association of Georgia
Major Thompson, American Society of Civil Engineers
Stuart Moring, President, Georgia Section, American Society of Civil Engineers
Cris Quigley, President, American Council of Engineering Companies/Georgia
Trent Turk, Surveying and Mapping Society of Georgia
Haven Kicklighter, American Council of Engineering Companies/Georgia
Mark E. Chastain, Surveying and Mapping Society of Georgia
Tom Leslie, Executive Director, American Council of Engineering Companies/Georgia
Marilyn Moore, Georgia Association of Residential Engineers
Michael Muntean, Georgia Association of Residential Engineers
Doris Willmer, American Council of Engineering Companies/Georgia
Scott Smelter, American Council of Engineering Companies/Georgia
Ed Fiegley, Executive Director, Environmental Protection Division
Jim Hamilton, Georgia Society of Professional Engineers
Tom Hurley, Surveying and Mapping Society of Georgia

Call to order:

Chairman Sweitzer called the meeting to order at 9:32 am and presented a proposed agenda. Mr. Ritter moved to adopt the amended agenda. Dr. Ransom seconded. Motion carried.

Approval of Minutes:

Mr. Sweitzer asked for any additions or deletions to the minutes of the September 9, 2003 Board Meeting. There being no changes, Mr. Ritter moved to adopt the minutes as written. Mr. Armstrong seconded. Motion carried.

Mr. Sweitzer asked for any addition or deletions to the minutes of the September 23, 2003 Board Meeting. There being no changes, Mr. Little moved to adopt the minutes as written. Mr. Armstrong seconded. Motion carried.

Professional Societies and Guests

Chairman Sweitzer recognized the guests and members of the professional societies present. Mr. Chris Quigley, President of the American Council of Engineering Companies of Georgia, mentioned a letter sent to the Board from Georgia Engineering Alliance, Inc. This letter will be placed on the January 27, 2004 Board meeting agenda to be discussed at that time.

Executive Director's Report

- Mr. Mickler reported that the exams were held in Atlanta in October. There were no reported problems with the exam process this time. The staff has nearly caught up on the backlog of applications to be reviewed.
- Mr. Mickler reported that the staff has moved physically to the office space of the Construction Boards. The Professional Licensing Boards Division has formed a Help Desk Section using staff from the various sections to answer phone calls.
- Mr. Mickler reported that the NCEES representative has signed the contract for the 2006 NCEES Southern Zone conference at the Savannah Westin.

Old Business:

Board Rule 180-11-.08:

This rule regarding reinstatement of inactive licenses was presented at the September 9, 2003 meeting. The Board moved to post at that time. Mr. Mickler pointed out that Legal Services had determined that the changes to the Board rule were a restatement of O.C.G.A. 43-15-6 and were not needed. Mr. Dean moved to dismiss further proceedings with this rule. Mr. Ritter seconded. Motion carried.

Direct Professional Engineering Supervision:

Mr. Ritter presented a letter from the Structural Engineers Association of Georgia (SEAOG) regarding “direct supervisory control” as it pertains to the practice of professional engineering. The letter proposed revising the language in Board Rule 180-6-.03 to allow for licensed supervisors to meet with unlicensed subordinates periodically and not on a daily basis. Mr. Ritter moved to accept the revised language, changing the definition of “direct supervisory control.” Mr. Dean seconded. After much discussion, Mr. Ritter amended his motion to ask Ajay Gohil, Attorney General representative for his legal opinion of the wording. Mr. Dean seconded. Motion carried.

Sealing of Documents:

Mr. Sweitzer asked Mr. Little to review this item regarding sealing of documents and bring his recommendations to the January 27, 2004 meeting.

New Business:

Certificate of Authorization Renewal Fee:

Mr. Mickler asked the Board to assess a renewal fee for engineering and surveying firms at the next renewal in June 2004, so they can be processed through the website renewal or the Renewal Section of the Professional Licensing Division. Mr. Dean moved to set the fee at \$1.00. Mr. Armstrong seconded. Motion carried.

Guidelines for Holding Applications Due to Investigation:

Mr. Mickler asked the Board for guidelines for the staff to hold application due to investigations being initiated during the application process. At this time, when an application is reviewed, the firms that the applicant has listed as experience are checked for active Certificate of Authorization. If it is discovered that a firm does not have a certificate, the application is held and a complaint is initiated against the firm. The applicant is not notified why his/her application is being held. Mr. Dean moved that under discovery of a lack of Certificate of Authorization with a professional engineer on staff, a letter of concern should be sent to the firm, assessing a penalty of \$500 to allow the firm to comply with the law regarding firm registration. The applicant will be notified that the application review will be held up until the firm comes into compliance. Mr. Sweitzer directed the Executive Director to write a proposed policy to present to the Board at the January 27, 2004 meeting. Mr. Dean withdrew his motion.

Violation Fine Schedule:

Mr. Mickler presented fine schedules from Alabama, Florida, South Carolina, North Carolina and Tennessee. Mr. Dean and Mr. Ritter agreed to study these and bring a proposed schedule to the January 27, 2003 meeting. Mr. Dean moved to assess a penalty of \$500 for firms found to be practicing without an active Certificate of Authorization, but have a professional engineer on staff. Mr. Armstrong seconded. Motion carried.

Notices of Borrower Default on Repayment of Student Loan:

Mr. Ritter moved to suspend the EIT certificate of James W. Frame, certificate number EIT019564, for failure to repay a student loan, and further moved that this suspension will cease upon receipt by the Division Director of a “Notice of Release” from the Georgia Higher Education Assistance Corporation. Mr. Armstrong seconded. Motion carried.

Exam Security Breaches:

Mr. Mickler presented a package from NCEES regarding exam security breaches for the Board’s information.

Nominations for NCEES National Awards:

Mr. Mickler presented a package from NCEES regarding nominations for NCEES National Awards for the Board’s information.

Use of Term “Engineering” by Forensic Experts:

Mr. Mickler presented a letter from Richard L. Underwood, PE regarding use of the term “engineering” by forensic experts in court cases. After much discussion, Mr. Sweitzer directed Mr. Mickler to compose a response letter.

At 11:45 am, Mr. Ritter moved to recess for lunch, return at 1:00 pm and enter into Executive Session to deliberate on applications and enforcement matters and to receive information on applications and investigative reports. Mr. Dean seconded. Motion carried.

Executive Session:

The following Board members were present during Executive Session – Chairman Sweitzer, Mr. Armstrong, Mr. Vickery, Mr. Dean, Dr. Ransom, Mr. Ritter and Mr. Little.

Reconvened Open Session at 4:00 PM with the following Board members present - Chairman Sweitzer, Mr. Armstrong, Mr. Vickery, Mr. Dean, Dr. Ransom, Mr. Ritter, Mr. Little:

Investigations and Complaints:

Mr. Ritter moved to accept a signed Consent Order from Dan Wells, to cease and desist the practice of land surveying. Mr. Little seconded. Motion carried.

Dr. Ransom moved to accept a signed Cease and Desist Order as amended with no fine from Phillip Dickey, as regarding the unlicensed practice of engineering. Mr. Armstrong seconded. Motion carried.

Mr. Armstrong moved to accept a signed Consent Order from William Deloach, LS001711, with six months probation, \$500 fine, and public reprimand for violations of the Plat Act. Mr. Little seconded. Motion carried.

PELS040016 – This case involved unlicensed practice of professional engineering. A Cease and Desist Order was presented to the respondent, who refused to sign because the respondent intends to apply for registration. Mr. Armstrong moved to proceed with the Cease and Desist Order and not approve any application until the Cease and Desist Order is signed. Mr. Little seconded. Motion carried.

PELS030003 – This case involved unlicensed practice of professional engineering by an individual. Mr. Little moved for a Cease and Desist Order, criminal charges to be filed with the District Attorney and/or sheriff's office in the jurisdiction, notify the building officials and the Tennessee and Florida Engineers' Boards where the respondent is also unlicensed, but has been performing work in their jurisdictions. Mr. Vickery seconded. Motion carried.

PELS040021 – This case involved unlicensed practice of professional engineering and land surveying by a firm. Mr. Dean moved for a Cease and Desist Order with a penalty of \$1000 for each violation. Mr. Ritter seconded. Motion carried.

PELS040023 – This case involved unlicensed practice of land surveying by an individual and associated firm. Mr. Dean moved for a Cease and Desist Order with a penalty of \$1000 for the individual and a Cease and Desist Order with a penalty of \$1000 for the firm.

PELS040022 – This case involved unlicensed practice of land surveying by a professional engineer, who signed and sealed a preliminary plat with his professional engineer's seal. Mr. Little moved for a Cease and Desist Order with \$1000 penalty. Mr. Dean seconded. Motion carried.

PELS030039 – This case involved a firm practicing professional engineering without a Certificate of Authorization. Mr. Ritter moved to send a letter with penalty of \$500 and an application for Certificate of Authorization. Mr. Little seconded. Motion carried.

PELS040029 – This case involved a firm practicing land surveying without a Certificate of Authorization. Mr. Ritter moved to send a letter with penalty of \$500 and an application for Certificate of Authorization. Dr. Ransom seconded. Motion carried.

PELS0220088 – This case involved a professional engineer with sanctions in another state. Dr. Ransom moved for a Consent Order with three years suspension to be changed to probation if he passes the civil exam and \$3500 penalty. Mr. Armstrong seconded. After discussion, Dr. Ransom amended her motion to reduce the penalty to \$500. Mr. Little seconded. Motion carried.

PELS030019 – This case involved allegations of substandard practice of land surveying. Mr. Dean moved to close this case with no violations found. Dr. Ransom seconded. Motion carried.

• Board Memo Comity Model Law Applicants:

Applicants for registration as Professional Engineers by comity, who have an ABET engineering degree, who have taken and passed an 8-hour fundamentals of engineering (EIT/FE) exam, who have a minimum of 48 months post graduation engineering experience as determined by a staff evaluation using the present Board guidelines, who have taken and passed an 8-hour principles and practice of engineering exam (PE Exam-taken at least 4 years after BS degree), and who comply in every way with the provisions of the appropriate law(s), are as follows:

29032 Aitken, James M.	29033 Ricketts, John K.	29087 Chapman, Andrew B.
29088 Hruby Jr, Thomas J.	29089 Magnus, Doyle W.	29090 Misenheimer, Robert L.
29091 Pratt IV, William L.	29092 Den Hartigh, Ralph	29093 Reed, Samuel J.
29094 Brown, Charles D.	29095 Miitchell, Rickey L.	29096 Repella, Gregory
29097 Stole, Paul E.	29098 Winter, James M.	29099 Zweifel, Christopher S.
29100 Esquivel, Alfred	29101 Haug, James R.	29102 Mulder, Mark A.
29103 Sacksteder, John B.	29105 Barrington, Melonie	29106 Crandall, James A.
29107 Fitch Jr., Paul M.	29108 Gibbs, Lionel J.	29109 Ivey, Gregory S.
29110 Wainwright, Dominic M.	29111 Sherren, Richard S.	29112 DePue II, Perry M
29113 Foster, Laurence D.	29114 Pilla, Dominick R.	29115 Ross, Kevin R.
29116 Wilkinson, Brad	29131 Fluker, Kenneth A.	29132 Herndon, Donna
29133 Wylie, Gary L	29134 Kochur, Beth A.	29135 Armendariz Jr., Ralph
29136 Archer, Craig M.	29137 Brooks, Christopher L.	29138 Gillespie, Andrew J.
29139 Dixon, Cary M.	29140 Hetzler, Gregory J.	29141 Adams-Morales, Mary H
29142 Childress, Tony H.	29143 Cottle, Gary L.	29144 Hambrick, Philip N.
29145 Hart, David R.	29146 Ina, Paul E.	29147 Porsch, Ralf D.
29148 Rhinehart, Lester	29149 Vines, Brian L.	29150 Francis, Trevor A.
29151 Hargrove, Mark N.	29152 Harris, Jeffrey W.	29153 Smith, Richard G.
29154 Marchman, Grady L.	29155 Lunceford, Wayne N.	29156 Nail, George R.
29157 Shelt, Steven L.	29158 Shirk, F. William	

Mr. Dean moved to approve these applicants for PE registration by comity @ 43-15-16(a), via 43-15-8(1) and 43-15-9(1). Dr. Ransom seconded. Motion carried.

Board Memo Reinstatements:

Mr. Ritter moved to reinstate the license of Dennis S. Nelson, PE015766. Mr. Dean seconded. Motion carried.

Mr. Armstrong moved to reinstate the license of Payne B. Copeland II, LS002692, on the condition that he acquire five quarter hours of college-level Hydrology. Mr. Ritter seconded. Motion carried.

There being no further business before the Board, Chairman Sweitzer asked for a motion to adjourn. Mr. Armstrong so moved. Mr. Dean seconded. Motion carried and the meeting was adjourned at 4:30 pm.

These minutes were approved at the January 27, 2004 Board meeting.

Board Chairman

Division Director

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